

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

October 4, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: Councilors Tim Carpenter (W1)

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on September 27, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Tiffer; Seconded by Councilor Calnon

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending October 3, 2012 in the amount of \$ 284,065.20 are authorized and allowed and Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of September 20 – October 3, 2012
- Report from the Building Inspector's Office from March 19 – September 28, 2012
- Statements of cash receipts from the Library from September 12 – September 18, 2012

RESOLVED: That the reports as listed are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Case; Seconded by Councilor Rabideau

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 189,364.04 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Calnon
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Laverne Hicks 9 Alex Way said as a taxpayer in the City of Plattsburgh I'd like to ask a couple of questions. Why are we always handing the key to the city to Bombardier? I heard that you made a comment that next year you were going to have to raise taxes, lights, water and sewer.

Mayor Kasprzak said possibly.

Laverne Hicks 9 Alex Way said why? Do you realize the abatements we've given Bombardier? As a result, we wouldn't have to do anything. We wouldn't have to lay off a person. We wouldn't have to combine departments. I have been told by the Zoning Board and by the Planning Board that I've got to suck it up because I live in and Industrial area. I've got news for all of you. (Map displayed and explained) This yellow is Industrial/Commercial. This light pink is no zone/residential. The blue, this small piece right here, is industrial/industrial. R2, that is me, I am residential/residential. R2 I'm not industrial, I'm R2. This here this little bitty thing that's my garden that's industrial/residential 15 feet wide. And the dark pink is residential/commercial. Where did I get it? On line Clinton County and that was updated as of August 14, 2012. So you can't say oh well you're industrial zone. No I'm not. It was updated in August of this year. No all of these places are like they are. I bought my home I said I was residential. The field books for the City of Plattsburgh July 13, 1967 I was residential. All of these places were residential. Bombardier has affiliations over at the mill. (?)...they do parts for them. People are bending over backwards for somebody that is not giving anything to the City. This is the only thing that Mr. Farrington could come up with a 1969 map that says this is all industry. I just proved to you it's not. You cannot spot zone that's illegal and that's what's being done there spot zoning. I don't have to suck it up anymore and I'm not going to. There will be a lawsuit if I have to because I'm not living like this. I cannot sleep at night. They moved metal until 4:30 this morning. Anyone of you living here would not put up with that and I'm not putting up with it anymore. When I call the City Police I expect them to do something. I'm residential. They put up their new building they have to put it up 300 feet from me. Not 100 feet like Mr. Farrington has been telling them because I'm in an Industrial zone. Uh Uh... I'm residential they are industrial/commercial. Therefore, they are going to be 300 feet from me. Bombardier has paid less than a half a million dollars in taxes. They started paying in 2011 by the way. They went from \$160,000 and something down to \$137,000 and something from last year to this year. Did you get a tax break? Did you get a tax break? I didn't! I'd like to know how come they're getting it. And we are laying off men and women in the city, it's not fair...it's not fair.

Ernie Gillespie 89 Main Mill said it's hard for people sitting here and if you don't live there to understand where we are coming from. The noise they blow the train horns at night, the collapsing of metal, the increase in truck traffic. There's ways that this can be handled but nobody wants to deal with it. It just seems like nobody cares. If you live there you care. Also, their hauling materials with tractor trailers, and I mentioned this earlier from over at Imperial Mill and I don't know what they're hauling. I think there should be an investigation because I've got a bad feeling of what they're running out of there and I don't think it's legal. How they can make so many trips back and forth and what you're hauling. To me I don't know it just looks like there doing something under handed. Why would you use a big tractor trailer and do 30 40 trips back and forth from your plant to Imperial mill? To me it just looks like your trying to hide something that's my opinion. I just wish someone would investigate it. I don't know who you would have for the City that would investigate it but please have somebody investigate it because I've got a bad feeling about this issue.

Harold Hicks 9 Alex Way said I've sat at every Planning Board meeting and Mr. Farrington has made a couple comments that just upset me. He is gearing the Planning Board members to vote the way he wants them to vote. They ask him questions and the answers are A, B and C. Some answered A, some answered B and he said well you've got to figure out between yuns and that's why they are there to make choices. They come up with minimal noise. And one of them asked him about zoning codes for noise he said you've got 2 one for industry and one for residential. So I would like somebody to ask Mr. Farrington which one is he using? I've never heard of 2 noise codes for 1 city. So would you know, Mr. Clute.? I know you just upgraded not too long ago the noise complaints. So I am saying do we have 2 noise ordinances or do we have 1. Believe me I have spent a terrible 10 years. I've got a bedroom that faces Bombardier. I put pillows up over the windows still don't do it. So I moved to one of the front bedrooms. Still got to heat it still got to cool it but I can't sleep in it. Gentlemen, this is a crock of bull that a man can't live in peace and quiet in his own home. They set the last addition 120 feet from my property line. This one they want to put up the same that's what they want to do. After they fill in and everything there going to be 55 to 60 feet high. We took a walk thru with the Planning Board. I said look I said there going to take the sun right away from my house. One of the planning board members said no he says about 11 or 12 o'clock you are going to have sun. Imagine making a statement like that. Let me tell you gentlemen, I don't think anyone sitting around this table has money to throw at a lawyer to sue the City of Plattsburgh. Well let me tell you something. My last penny I will fight you with an article 78, I will fight you in the courts. When I making my last kick I'm still going to fight you and that's just the way I am. And we have a lot more questions and I would ask one of Joe McMahon here tonight but I don't want to put him on the spot. Gentlemen, thanks for listening.

Bob Kennedy 10 Alex Way said I would like to ask about is the easement for Bombardier to use the back road that I have used all these years. Why didn't you offer that easement to me? Bombardier is supposed to own half and the city owns half and they are going to put a fence right down the middle. If I need fire or ambulance they can't come in. Love to have each and every one of you come up there and I can show you. If the 12 foot right away by Mr. Gillespie's house is being used a lot I can come in that way it is very handy. I'd really like a good answer. When can I expect an answer?

Corporation Counsel John Clute said what is the question? Are we going to sell the property to you?

Bob Kennedy 10 Alex Way said it says Bombardier has an easement for it and I have talked to Mr. McCaty at Bombardier he told me to come to you.

Corporation Counsel John Clute said what's on the agenda is to grant them an easement over this city parcel of land, the map I have, George Moore purchased I think it was owned by Mr. Rock before. So I'm looking at this map Moore's on the one side of this parcel of land Bombardier as far as I know owns everything around it on the other two sides. I knew you owned some land over there but I don't see where it's next to the property we're granting the easement for. {They discussed the map} Whatever rights you have to cross the property that George Moore owns what we're doing has no effect on that. I have no idea what you've been using that city lot for in the past.

Bob Kennedy 10 Alex Way said if you're going to give an easement to Bombardier why don't you give it to me?

Corporation Counsel John Clute said probably because you're not going to spend enough money to build an \$87,000 plant they're going to create more jobs than you are. And quite frankly, the only legal basis that we have selling this the way we are is because it's part of this New York State Empire Zone program. And the whole thing was created, and different people have different views on this, if you have a major employer that is going to make a big investment in the community and create jobs that are going to better the general area not just the City of Plattsburgh. Then the state says yeah if you got land that you're not using for public purpose and you don't need then you can sell it to them. Now I'm not going to debate whether that's a wise law or anything else. You wanted to know why we are considering doing this and I'm trying to be very up front and clear with you about it. The reason we are doing this thing and considering it is they are a major employer. They've been here a long time and got a lot of contracts. They're going to be here a lot longer. We're going to do what we can to help them I think, but I'm not the one voting on it.

Mayor Kasprzak said I believe that the fire issue is going to be addressed because I am going to deal with that myself.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves the Community Development Office to advertise for bids for Housing Rehab "D'Alessandro – 43 Standish Street."

By Councilor Case; Seconded by Councilor Tiffer

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the Community Development Office to advertise for bids for Housing Rehab "Houghton – 146 Miller Street."

By Councilor Tiffer; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for sealed bids for PMLD Bid No. 2012-9-1 "Purchase Revenue Electric Meters." Bid Opening date: October 23, 2012 at 11:00am.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves budget amendments to the Water Fund and Sewer Fund. These amendments will authorize the use of applicable Fund Balance and Reserves to fund noted Capital projects.

By Councilor Rabideau; Seconded by Councilor Jackson

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2012 Rec Complex Fund Budget by an increase of \$32,666.20 equally in estimated revenues and appropriations for unbudgeted half- marathon costs recovered through reimbursement from Plattsburgh Half Marathon and Rockeater Adventure Race costs recovered through entry fees.

By Councilor Tiffer; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves Bid No. 2012-8-1 "Evaluation of WPCP Substation 16 Replacement Equipment Procurement" be awarded to (Stuart C Irby \$49,175, WESCO Distribution Inc \$93,778, GotToGo Electric Inc. \$46,290) for a total bid award cost of \$189,243.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLUTION: GRANT OF EASEMENT PURSUANT TO NY GENERAL MUNICIPAL LAW § 968; CITY OF PLATTSBURGH TO BOMBARDIER MASS TRANSIT CORPORATION.

Resolved: The above entitled resolution, consisting of two typewritten pages, has been received and reviewed by the Common Council and is hereby adopted without the public reading of the entire text of said resolution; a copy of the entire resolution is ordered made a part of the minutes of this meeting.

By Councilor Tiffer; Seconded by Councilor Calnon

Discussion:

Councilor Calnon said a number of very valid issues have been raised by the people who addressed us tonight. Most of them are relevant to the project as a whole but not particularly relevant to this easement. If we grant an easement and the project is abandoned or nullified then that will have taken its course. If we deny the easement then we're killing the project for issues unrelated to what we're supposed to be considering. Mr. Kennedy's comments could be relevant. And I just want to point out that the text of the resolution does include that the Mayor on the advice and recommendation of Corporation Counsel is authorized to approve non material amendments to said Easement Agreement and to sign and deliver said Easement Agreement on behalf of the City of Plattsburgh. So even if we do pass it this evening and there is some adjustment necessary to look at the fire situation that you discussed and I think that probably is well within your powers granted by resolution. So I think having said all that it is probably something we should approve tonight.

Councilor Tiffer said I just wanted to reiterate some of the sentiment that John Clute had spoken about. We had a comment saying that Bombardier has done nothing for the city. Bombardier has employed hundreds of people. They've invested already millions of dollars in this community. They're going to spend even more money more millions of dollars. They've done plenty. And for us to help a company such as this to further their development in the city is a good idea. It's a great plan. That is a sustainable community that is how you grow your economy and your community. So thank you John for making those comments.

Councilor Rabideau said there's also an article in a recent edition of Strictly Business. They were talking about Bombardier and all the locations throughout the United States like Chicago, New York City and so forth that the vehicles and trains are produced there come from our city. And actually make our city shine in the eyes of people in the United States and in a sense puts us on a map. So they deserve credit for the work that they do. And this article in Strictly Business actually presented a good view of that company.

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. PUBLIC HEARING UNDER LOCAL LAW P-3 OF 2012 AMENDING CHAPTER 219 OF THE CITY CODE TO REGULATE DISCHARGES INTO THE CITY OF PLATTSBURGH'S WASTEWATER SYSTEM.

The Mayor sets a Public Hearing on October 18, 2012 at 5 pm in the Common Council Chambers, 2nd Floor of City Hall, 41 City Hall Place, Plattsburgh, NY.

I. PURSUANT TO SECTION 968 OF THE GENERAL MUNICIPAL LAW, THE CITY OF PLATTSBURGH IS HOLDING A PUBLIC HEARING TO HEAR PUBLIC COMMENT ON THE MAYOR'S PROPOSED 2013 BUDGET FOR THE CITY OF PLATTSBURGH.

The Mayor sets a Public Hearing on October 18, 2012 at 5 pm in the Common Council Chambers, 2nd Floor of City Hall, 41 City Hall Place, Plattsburgh, NY.

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy Manager MLD to attend the "NYMPA'S Semi-Annual Meeting" in East Syracuse, NY on October 30-31, 2012 at a cost not to exceed \$290.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the Community Development Office for a Change Order in the amount of \$2,600 to Project HOME-18-2009 "Stone – 27 St. John's Street."
2. Request from the Community Development Office for permission to advertise for bids for Housing Rehab "Shaffer – 10 Kim Court."
3. Request from City Engineer that a design services agreement Stantec Consulting Services Inc. to complete subsurface explorations and to provide geotechnical engineering services for the proposed slope stabilization project located at the Old Base Marina access along Oklahoma

Avenue be approved. The slope became unstable during the 2011 flooding. Funding for the repair of damages has been authorized by FEMA (PW # PA-02-NY-1993-01852(0) as shown on the attached FEMA Project Grant Report.

4. Request from Bill Treacy Manager MLD that Bid No. 2012-8-3 "Utility Wood Poles" be awarded to Cox Industries in the total amount of \$10,275.10.

10. NEW BUSINESS:

Councilor Tiffer said there are 2 events going on this weekend. The Wine Tasting going on at the Crete Civic Center on Saturday and then Irises fund raiser for the Strand Theatre is downtown Saturday so I hope the weather cooperates.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

MEETING ADJOURNED: 6:00 pm

RESOLUTION: GRANT OF EASEMENT PURSUANT TO NY GENERAL MUNICIPAL LAW § 968; CITY OF PLATTSBURGH TO BOMBARDIER MASS TRANSIT CORPORATION.

Whereas, The City of Plattsburgh is the owner of a lot or parcel of land identified on the City of Plattsburgh's real property tax maps as tax parcel 221.14-2-1.4 that was acquired, and is more particularly described, in a deed recorded in the office of the Clinton County Clerk at Liber 987 of Deeds page 158 (hereinafter "City Lot"); and

Whereas, said City Lot has no public improvements and is not used or needed for a public purpose; and

Whereas, Bombardier Mass Transit Corporation plans to construct an approximately 87,600 square foot addition to its manufacturing facility located on an adjacent parcel of land and has requested that the City of Plattsburgh grant it an easement over said City Lot for improved access to its manufacturing facility; and

Whereas, the City Lot is located in a New York State Empire Zone and the grant of said easement will further the goals of the City's Empire Zone Development Plan; and

Whereas, NY General Municipal Law § 968 authorizes the City to sell or lease municipal property located in Empire Zone on such terms as the Common Council may approve after first having held a public hearing on the proposed sale or lease; and

Whereas, the Common Council heretofore consented to the City of Plattsburgh Planning Board acting as lead agency for conducting a coordinated State Environmental Quality Review Act (SEQRA) review of the proposed plant expansion, including the construction of a private drive in the proposed easement area; and

Whereas, on September 24, 2012 the said Planning Board conducted a SEQRA review of the proposed plant expansion and found that the project would not have a significant adverse effect on the environment; and

Whereas, on September 24, 2012 the City of Plattsburgh published notice of a public hearing on the proposed grant of easement; and

Whereas, prior to the adoption of this resolution, on October 4, 2012 at 5PM, the Common Council held a public hearing on the proposed grant of easement and has considered the comments made by those who spoke at the hearing;

Now therefore, IT IS RESOLVED:

1. The Common Council of the City of Plattsburgh authorizes and approves the sale and grant of an easement for ingress and egress to Bombardier Mass Transit Corporation over the said City Lot for the sum of ten dollars (\$10.00) on the terms and conditions set forth in an Easement Agreement, a copy of which agreement has been received and reviewed by the Common Council and is made a part of the minutes of this meeting.

2. The Mayor, on the advice and recommendation of the Corporation Counsel, is authorized to approve non material amendments to said Easement Agreement, and to sign and deliver said Easement Agreement on behalf of the City of Plattsburgh.